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Attorneys for Plaintiffs, VERONICA GUTIERREZ,
ERIN WALKER and WILLIAM SMITH, on behalf of themselves
and all others similarly situated,

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

VERONICA GUTIERREZ, ERIN WALKER and
WILLIAM SMITH, as individuals, and on behalf
of all others similarly situated,

Plaintiffs,

v.

WELLS FARGO & COMPANY; WELLS
FARGO BANK, N.A.; and DOES 1 through 125,

Defendants.

Case No.: C 07-05923 WHA (JCSx)

CLASS ACTION

**DECLARATION OF ERIN WALKER IN
SUPPORT OF PLAINTIFFS' OPPOSITION
TO DEFENDANT'S MOTION FOR
SUMMARY JUDGMENT**

Judge Assigned: Hon. William H. Alsup
Complaint Filed: November 21, 2007

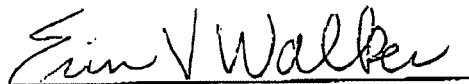
I, Erin Walker, do declare as follows:

1. I was right out of high school and 17 years old when I opened my checking account in July of 2006 with my mother a co-signor on the account. I was going away to college and needed my own checking account. The campus at Arizona State University where I was going to be going to school had Wells Fargo ATM machines on campus where I could conduct my banking, so I decided to open a Wells Fargo account.

- 1 2. After receiving several account statements and finding the information in the account statements
2 confusing, I begin using the "available balance" information provided to me by Wells Fargo online
3 and ATM machines for my balance information. I would regularly check the balances online or at
4 the ATM, and would mentally deduct from the available balance the amount of the transactions I
5 was making on an ongoing basis.
- 6 3. I was unaware that even though purchases were made within the available balance, I could be
7 assessed overdraft charges for those transactions if I overdrafted my account sometime in the future.
8 If I had known this prior to the June, 2007 overdraft charges, I would have avoided the overdraft fees
9 because I would have ceased using the Wells Fargo account and changed banks, as I did after having
10 been assessed the subject overdraft fees.

11 I so declare the above is true and correct under penalty of perjury under the laws of the United States.

12 Executed this 30th day of July, 2008, at Torrance, California.

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